

**REMARKS**

Claims 5 and 10-14 are pending in the current application.

In view of the finality of the Restriction Requirement, claims 1-4 have been cancelled, without prejudice, to the filing of a divisional application directed to the subject matter thereof. A divisional application has already been filed with respect to these claims.

In view of the cancellation of the process claims, the Title of the Invention has been amended to reflect the presently pending claims.

The Examiner has rejected claims 5-14 under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification at the time the application was filed. In particular, the Examiner alleges that the last wherein clause of previously amended claim 5 comprises new matter. While not agreeing with the Examiner's rejection, the last clause of claim 5 has been deleted. Accordingly, reconsideration and withdrawal of the § 112 rejection are respectfully requested.

In paragraph 11 at page 5 of the Office Action, the Examiner has objected to claim 9 as being dependent on a rejected base claim, but indicates that it would be allowable if rewritten in independent form to include all of the elements of the base and any intervening claims. Accordingly, claims 8 and 9 have been cancelled, and their subject matter incorporated in claim 5, so that claim 5 now corresponds to allowable claim 9, but with the alleged new matter deleted, as discussed above. In addition, claims 6 and 7 have been cancelled as overlapping or inconsistent with amended claim 5. Accordingly, all of the amendments are supported by the original claims and no new matter has been added. Moreover, entry of the amendments after final is appropriate, since the amendments simply cancel claims or place allowable claims in proper form. Entry of the amendments is respectfully requested.

The Examiner has rejected claims 5-8 and 10-13 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,868,978 of Amschlenger et al. In addition, the Examiner has rejected claims 5-8 and 10-14 under 35 U.S.C. § 103(a) as being unpatentable over various

combinations of the prior art. While not necessarily agreeing with these rejections or the Examiner's arguments in support thereof, these rejections are now moot, since claim 5 and all of the remaining claims dependent therefrom now include the subject matter of claims 8 and 9, so that amended claim 5 contains allowable subject matter. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

In view of the allowability of claim 5 (original claim 9), all of the remaining claims 10-14, depending directly or indirectly therefrom, are allowable for at least the same reasons.

Accordingly, in view of the above amendments and Remarks, it is submitted that all of the claims in the application fully comply with the requirements of 35 U.S.C. § 112, as well as patentably distinguishing over the prior art relied upon by the Examiner. Accordingly, reconsideration and an early Notice of Allowance are respectfully requested.

In the event that this amendment does not place the application in full condition for allowance, the Examiner is requested to telephone the undersigned to discuss any further amendments which may be considered necessary.

Respectfully submitted,  
**Bernd Becker**

July 13, 2006  
(Date)

By:

William W. Schwarze

**WILLIAM W. SCHWARZE**

Registration No. 25,918

**AKIN GUMP STRAUSS HAUER & FELD LLP**

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

**Direct Dial: 215-965-1270**

Facsimile: 215-965-1210

E-Mail: [wschwarze@akingump.com](mailto:wschwarze@akingump.com)

WWS/rc